

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Revision of the Commission's Rules)	CC Docket No. 94-102
To Ensure Compatibility with)	
Enhanced 911 Emergency)	
Calling Systems)	

**REPLY COMMENTS OF VOICESTREAM WIRELESS CORPORATION
CONCERNING THE
CINGULAR WIRELESS L.L.C
REQUEST FOR WAIVER OF THE E911 PHASE II
LOCATION TECHNOLOGY IMPLEMENTATION RULES**

VoiceStream Wireless Corporation hereby submits this reply to the Wireless Telecommunications Bureau's ("Bureau") July 11, 2001 Public Notice seeking comments on the request of Cingular Wireless L.L.C ("Cingular") for limited waiver of the E911 Phase II rules.

Cingular seeks a waiver to allow it to deploy Enhanced Observed Time Difference of Arrival ("E-OTD") technology, a hybrid network and handset-based solution and a safety net solution for its GSM network. Cingular notes that virtually every other GSM carrier has indicated that it plans to deploy E-OTD and that the E-OTD accuracy will continue to improve.¹

As the Bureau is aware, last year Voicestream was granted a waiver of certain aspects of the Commission's E911 Phase II rules in order to pursue E-OTD technology. Most significantly, VoiceStream was granted additional time to improve the accuracy of

¹ Cingular Petition for Limited Waiver of Sections 20.18(e)-(h), filed July 6, 2001 ("Cingular Petition") at 17-18.

E-OTD technology from 100 meters to 50 meters. VoiceStream fully supports Cingular's position that "E-OTD is the only viable option for its GSM networks".² Further, virtually all the parties submitting comments on the Cingular waiver request support its request.³

VoiceStream remains confident that the location accuracy of E-OTD will continue to improve over time and ultimately will meet or exceed the 50 meter accuracy standard. Just last month, VoiceStream reported to the Commission that its E-OTD technology trials being conducted in Houston, Texas were consistently yielding accuracy results of approximately 70 meters for 67 percent of calls.⁴ Such evidence of E-OTD's potential, along with the other public interest benefits of E-OTD, formed the basis of the Commission's grant of the VoiceStream waiver request last year.⁵ Far from casting doubt on that decision, the data submitted to the FCC on E-OTD's performance since the VoiceStream waiver grant serve in fact to buttress the Commission's decision.

Ericsson notes that the use of E-OTD and the safety net solution are the only viable options for Cingular at this time.⁶ Further, VoiceStream agrees with the Cellular Telecommunications and Internet Association's observation that "every wireless carrier will face unique circumstances as it transitions from Phase I to Phase II and no single Phase II solution will work in each of these situations."⁷ Cingular's situation presents just such a unique set of circumstances. Cingular explains in its waiver request that

² *Id* at 17.

³ See Comments of the Cellular Telecommunications Industry Association ("CTIA"); Comments of AT&T Wireless Services, Inc.; Comments of Ericsson Inc.; Comments of Siemens Information and Communication Mobile, L.L.C.

⁴ Letter to Magalie Roman Salas, FCC, from Brian T. O'Connor, VoiceStream Wireless, CC Docket No. 94-102, dated July 6, 2001, at 1.

⁵ See Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Fourth Memorandum Opinion and Order*, FCC 00-326, at ¶¶ 55-68 (rel. September 8, 2000).

⁶ Comments of Ericsson at 4.

⁷ Comments of CTIA at 4.

“Cingular has been unable to verify the existence of another Phase II solution that currently provides fully compliant location information for GSM networks.”⁸ This is precisely the sort of situation that the Commission’s waiver authority was designed to address. VoiceStream believes that such individualized approaches, rather than unbending adherence to rigid metrics, timetables and the preferred location technologies of third parties, will best serve the Commission’s – as well as the operators’ and public safety’s – goals of expediting E911 Phase II service to the public.

Respectfully submitted,

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⁸ Cingular Petition at 16-17.